

LAW

OF

HIS MAJESTY KAMEHAMEHA IV,

Collector & Customs

KING OF THE HAWAIIAN ISLANDS,

Acts
PASSED BY THE

NOBLES AND REPRESENTATIVES,

AT THEIR SESSION,

1856.

HONOLULU:

PRINTED BY ORDER OF THE GOVERNMENT.

1856.

SESSION LAWS, 1856.

AN ACT

PERMITTING THE MANUFACTURE OF WINE.

WHEREAS, It is believed that the manufacture of wine would add much to the wealth of the Kingdom and tend to diminish the use of deleterious drinks:

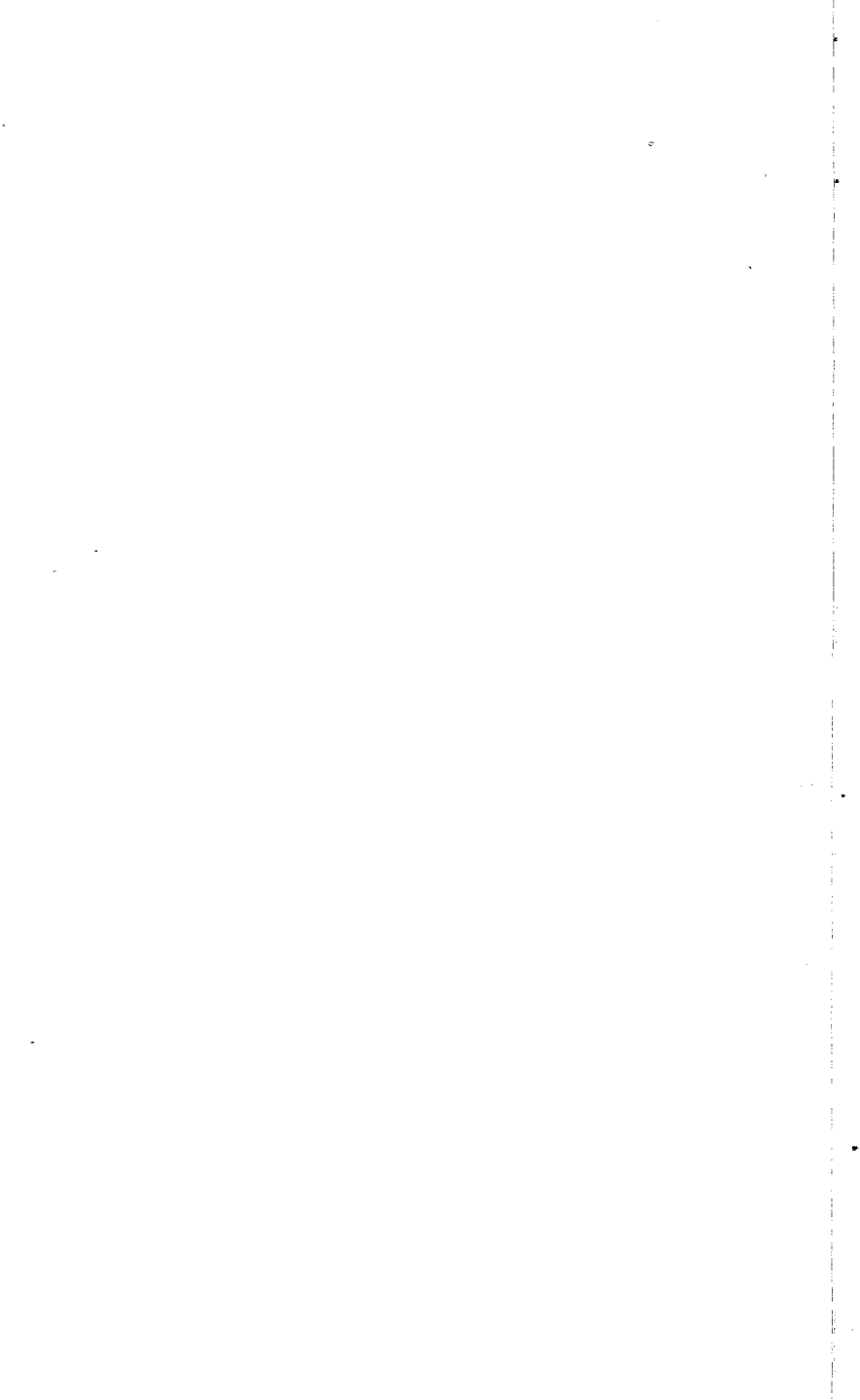
Therefore, BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. The Minister of the Interior is hereby authorized to grant Licenses for the manufacture of Wine, provided the applicant for such license shall first file with said Minister a Bond in the following form, with one good and sufficient surety:

Know all men by these presents, that we — —, principal, and — —, surety, residing at — —, in the Island of — —, Hawaiian Islands, are held and firmly bound unto — —, Minister of the Interior, and to his successors in office, in the penal sum of five hundred dollars, to be levied of our respective joint and several property, in case the condition herein set forth shall be violated. For the faithful payment of which we hereby pledge ourselves, our heirs, executors, administrators and assigns.

Signed with our hands and sealed with our seals, this — day of — —, A. D. 18—.

The condition of this obligation is, that whereas the said — —, principal, has this day obtained a license to manufacture wine out of grapes of Hawaiian growth, for the term of ten years from this date; now if he shall not, at any time during the continuance of said license, sell or furnish any such wine to any native of this Kingdom;



if he shall not manufacture wine out of grapes grown in any foreign country; if he shall not manufacture any brandy, rum, or other spirituous liquors; if he shall, on or before the last day in December in each year, furnish the Minister of the Interior with a correct statement, in writing, of the quantity of wine manufactured by him during the past year, and of the quantity sold, and still on hand, then this obligation to be void; otherwise, upon proof being made to the satisfaction of any Police or District Justice, of the violation of any or all of the above conditions, then the penalty mentioned in the above bond shall be forfeited for the benefit of the Royal Exchequer.

L. S. _____, Principal,
 L. S. _____, Surety.

SECTION 2. Before granting such license the Minister of the Interior shall demand and receive at the hands of the applicant, for the benefit of the Royal Exchequer, the sum of *Fifty Dollars*, besides the customary charges for blanks and stamps.

SECTION 3. Whoever shall manufacture wine for sale without first obtaining a license as prescribed in this Act, shall, on conviction thereof before any Police or District Justice, be liable to the fines and penalties prescribed in the 2nd Section of the 42nd Chapter of the Penal Code.

SECTION 4. This Act shall take effect from and after the day of its passage.

Approved by his Majesty the King, this 13th day of December, 1855.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

RELATING TO SUITS IN EQUITY.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That so much of Section tenth of Article third, Chapter fourth, of the "Act to organize the Judiciary Department," as requires a complainant in proceedings before the Chancellor, to append to his petition a list of witnesses, be and the same is hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its passage.

Approved this 17th day of April, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

RELATING TO THE CIRCUIT COURT FOR THE FOURTH JUDICIAL DISTRICT.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That hereafter the Annual Term of the Circuit Court for the Fourth Judicial District shall commence on the first Monday in the month of June, instead of the first Monday in February, as heretofore.

SECTION 2. The first Term of said Court, to be held under the provisions of this Act, shall commence on the first Monday of June, A. D. 1857.

Approved this 17th day of April, A. D. 1856,

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND THE LAW RELATING TO APPEALS FROM THE INFERIOR COURTS TO THE CIRCUIT AND SUPREME COURTS.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That Section second, Chapter fifty-third, of the Penal Code, be and the same is hereby amended to read as follows, viz.:

In all the preceding cases, and in all other cases tried before a Police or District Justice, the Defendant, by giving notice of appeal within five days after trial, and within ten days after such trial paying the costs accrued and depositing a good and sufficient bond in the penal sum of one hundred dollars, conditioned for the payment of the costs further to accrue in case he is found guilty or defeated in the Court above, may take an appeal to the Supreme or Circuit Court and have a trial by jury.

SECTION 2. Every such defendant so appealing from the decision of any Police or District Justice, in any criminal or penal prosecution, shall remain in the custody of the Marshal or Sheriff until the Term of the Supreme or Circuit Court to which said defendant has appealed, unless he deposit with the Marshal or Sheriff a good and sufficient bond in a penal sum equal to the fine or penalty imposed upon such defendant in the Court below, conditioned for his appearance for trial at the Supreme or Circuit Court as aforesaid. And in all cases where the punishment adjudged by the Police or District Justice is both fine and imprisonment, or imprisonment only, the Marshal or Sheriff shall exact from the defendant a bond, conditioned as aforesaid, in the penal sum of not less than one hundred, nor more than two hundred, dollars.

SECTION 3. This Act shall take effect from and after the day of its passage.

Approved this 2nd day of May, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT
TO PROVIDE FOR THE SUPPORT OF PERSONS ARRESTED ON
CIVIL PROCESS.

BE IT ENACTED by the King, the Nobles and Representatives of the
Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That whenever any Defendant, in one or more civil actions, is arrested and imprisoned as a fraudulent debtor, the expense of supporting such defendant during his imprisonment, shall be borne by the party or parties at whose suit he has been arrested.

SECTION 2. For this purpose, the party or parties at whose suit the defendant has been arrested, shall pay to the officer having him in custody the sum of fifty cents per diem; and in case the allowance for the defendant's support is unpaid at any time for more than ten days, the officer having the defendant in custody shall release him from imprisonment.

SECTION 3. This Act shall take effect from and after the date of its publication in the *Polynesian* newspaper.

Approved this 2nd day of May, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO FACILITATE THE COLLECTION OF DEBTS.

WHEREAS, Many complaints have arisen that creditors are defrauded of just debts by the assignment of their property to third persons by debtors, to remove the same from liability to attachment and execution; and whereas no remedy exists, save by long and expensive and imperfect process in chancery, whereby the ends of justice are defeated:

Now therefore, BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:

SECTION I. Whenever the goods or effects of a debtor are concealed in the hands of his attorney, agent, factor or trustee, so that they cannot be found to be attached or levied upon, or where debts are due from any person to a debtor, any creditor may bring his action against such debtor, and upon giving bond in a sum to be approved by the Court, conditioned to answer all costs and damages sustained by such attorney, agent, trustee or factor, in case the Plaintiff shall fail to sustain his suit and to recover therein, in his petition for process may request the Court to insert therein a direction to the officer serving the same, to leave a true and attested copy thereof with such attorney, agent, factor or trustee, or at the place of his or their usual place of abode, and to summon such attorney, agent, factor or trustee, to appear upon the day or term mentioned and appointed in said process for hearing the said cause, and then and there on oath to disclose whether he has or, at the time said copy was served, had any of the goods or effects of the Defendant in his hands, and if so, the nature, amount and value of the same, or is indebted to him, and the nature and amount of such debt; which summons and direction shall be signed by the presiding Judge and issued in the manner now practised in the Courts of this Kingdom, and shall be served by the officer according to such direction; and from the time of leaving such copy, all the goods and effects in the

hands of such attorney, agent, factor or trustee, and every debt due from such debtor to the Defendant, shall be secured in his hands to pay such judgment as the Plaintiff shall recover, and may not be otherwise disposed of by such attorney, agent, factor or trustee, and such notice shall be sufficient notice to the Defendant to enable the Plaintiff to bring his action to trial, unless the Defendant be an inhabitant of these Islands, or has some time resided thereon, and then a like copy shall be served personally upon him or left at his last and usual place of abode.

SECTION 2. Such attorney, agent, factor or trustee, upon his desire, shall be admitted to defend his principal in such suit, and if judgment be rendered in favor of the Plaintiff, all the goods and effects in the hands of such attorney, agent, factor or trustee, and the debt due from such debtor, or such part thereof as may be sufficient for that purpose, shall be liable to pay the same, and the Plaintiff, on praying out Execution, may direct the officer serving the same to make demand of such attorney, agent, factor or trustee, of the goods and effects of the Defendant in his hands, whose duty it will be to expose the same to be taken on the execution, and also to make demand of such debtor for any debt, or such part thereof as may satisfy said judgment as may be due to the Defendant, and it shall be the duty of the said debtor to pay the same; and if such attorney, agent, factor or trustee, shall have in any manner disposed of the goods and effects of his principal which were in his hands when the copy of the writ was left with him, and shall not expose and subject them to be taken on execution, or if such debtor shall not pay to the officer, when demanded, the debt due to the Defendant at the time the copy of the writ was left with him, such attorney, agent, factor, trustee or debtor, shall be liable to satisfy such judgment out of his own estate, as his proper debt, if the goods, or effects, or debt, be of sufficient value or amount; if not, then to the value of such goods or effects, or to the amount of such debt.

SECTION 3. If the said attorney, agent, factor, trustee or debtor, fail to appear upon the day and hour of hearing named in the summons or writ above mentioned, or, if having appeared, he refuse to

disclose upon oath whether he has goods or effects of the Defendant in his hands, and their nature and value, or whether a debt is due from him to the Debtor, and its amount, the case shall proceed to trial; and if the Plaintiff recover a judgment, execution shall issue, at his request, against the estate of such contumacious attorney, agent, factor, trustee or debtor, for the amount of such judgment as his own proper debt, and the lawful costs, provided that if it appear on the trial that the goods and effects are of less value and the debt of less amount than the judgment recovered against the Debtor, judgment shall be rendered against the Garnishees to the value of the goods or the amount of the debt. And if it appears that the Garnishee has no goods or effects of such debtor in his hands, or is not indebted to him, then he shall recover his lawful costs. But if he appear, and on oath disclose fully whether he has in his hands the goods or effects of, or is indebted to, the Defendant, and it appears to the Court that he has no such goods or effects, or is not so indebted, then judgment shall be given for him, and he shall recover his lawful costs.

SECTION 4. If upon disclosure made on oath by such Debtor, it appear that such Garnishee is indebted to the Defendant, but that such debt is not payable, and become due until some future time, then such judgment as the Plaintiff may recover shall constitute a lien upon such debt, until and at the time it shall fall due and payable.

SECTION 5. The taking of any goods or effects of any debtor, or of any debt due him as aforesaid by process and judgment of law, out of the hands of his attorney, agent, factor, trustee or debtor, by any of his creditors, shall forever discharge him or them from any suit or demand for the same.

SECTION 6. The provisions of this Act, and the powers conferred therein, shall extend to all the Common Law Courts of this Kingdom, according to their jurisdiction as at present or in future organized.

SECTION 7. This Act shall take effect from and after the date of its approval by the King.

Approved this 30th day of June, A. D. 1856.

KAAHUMANU.

KAMEHAMEHA.



AN ACT

TO AMEND THE LAW RELATING TO BANKRUPTCY.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That Section fourth of "An Act relating to Bankruptcy," passed in the year 1848, be and the same is hereby amended, by striking out the words "merchants if possible."

SECTION 2. That Section fifth of said Act be and the same is hereby amended, by striking out the word "ten," and inserting in lieu thereof the word "five."

SECTION 3. That Section eighth of said Act be and the same is hereby amended, to read as follows, viz.: "Whenever any person shall declare himself a bankrupt, as prescribed in the first Section of this Act, or shall be adjudged a bankrupt by the Commissioners, notice of such bankruptcy shall be given in the *Polynesian* newspaper, and notice shall also be given by the Commissioners for three consecutive weeks, in the same newspaper, calling upon all creditors of the debtor to appear before the Commissioners, at such time or times as they may appoint, to prove their debts."

SECTION 4. That Section twelfth of the said Act be and the same is hereby amended, by striking out the word "thirty" and inserting in lieu thereof the word "twenty."

SECTION 5. That section thirteenth of said Act be and the same is hereby amended, by striking out the words "thirty days" and inserting in lieu thereof the words "two consecutive weeks."

SECTION 6. That the following proviso be and the same is hereby added to the twenty-first Section of said Act, viz.: "Provided nevertheless, that such bankrupt may be arrested and imprisoned as a fraudulent debtor, by order of the Chief Justice of the Supreme

Court, upon the sworn petition of any of his creditors setting forth sufficient cause for such arrest and imprisonment."

SECTION 7. That Section twenty-fourth of said Act be and the same is hereby amended, by striking out the words "two thirds" and inserting in lieu thereof the words "a majority."

SECTION 8. The Commissioners shall, in each case, keep a record of all their proceedings, which record, or a duly certified transcript of any part thereof, may be received as evidence in any Court of this Kingdom in all matters relating to that particular case.

SECTION 9. Any bankrupt who shall have been imprisoned as a fraudulent debtor, may be discharged from such imprisonment by order of the Chief Justice of the Supreme Court, either at or before the final settlement of the estate, if it shall appear to the satisfaction of the Chief Justice that the bankrupt has surrendered, discovered, and delivered over to the assignees chosen by his creditor, all his property, personal and real, and in other respects conformed to the main provisions of the law relating to Bankruptcy.

SECTION 10. This Act shall take effect from and after the date of its publication in the *Polynesian* newspaper, but shall not affect any proceeding begun or pending at or before that date.

Approved this 30th day of May, A. D. 1856.

KAAHUMANU.

KAMEHAMEHA.

AN ACT
RELATING TO PRISONERS AND PRISONS.

WHEREAS, many of the provisions of the Act relating to Prisons, approved by the King August 4th, 1851, are at present impracticable; and whereas said law has not been for that reason carried into effect:

Therefore, BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That the Minister of the Interior shall have power to make such rules for the management of prisons, the preservation of prison discipline, and the promotion of industry, good morals and education among prisoners, as may be approved by His Majesty and Privy Council.

SECTION 2. This Act shall go into effect from and after the date of its passage; and all laws and parts of laws in conflict with this, shall be and the same are hereby repealed.

Approved this 30th day of June, A. D. 1856.

KAAHUMANU.

KAMEHAMEHA.

AN ACT

TO ALLOW CERTAIN DIVORCED PERSONS TO MARRY AGAIN.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. Power and authority is hereby vested in the several Justices of the Supreme Court, to grant permission to persons who have been, or may hereafter be divorced, to marry again.

SECTION 2. Said Justices shall in no case grant such permission to marry again, unless it shall appear to their satisfaction that five years or more have elapsed since the date at which the applicant for such permission was divorced, and the party has not during that period been guilty of the offences for which a divorce may be decreed.

SECTION 3. This Act shall take effect from and after the date of its approval by the King.

Approved this 22d day of June, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS OF PRIVATE WAYS.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. There shall be appointed, by the Minister of the Interior, in each Election District throughout the Kingdom, three suitable persons to act as Commissioners of Private Ways.

SECTION 2. It shall be the duty of such Commissioners, within their respective Districts, to hear and determine all controversies respecting rights of way, between private individuals, or between private individuals and the Government.

SECTION 3. In settling such controversies, the Commissioners shall give such decision as may in each particular case appear to them to be just and equitable between the parties interested.

SECTION 4. Any party deeming himself aggrieved by the decision of the Commissioners, may appeal therefrom to the Circuit Court of the Island, or if the controversy is on the island of Oahu, to the Supreme Court, which Circuit or Supreme Court shall hear and determine the case in *banco*; provided, however, that any party desirous of so appealing shall give notice of the same to the Commissioners within five days after the rendition of their decision.

SECTION 5. Whenever any party shall appeal from the decision of the Commissioners, as provided in the last preceding Section, it shall be the duty of the Commissioners to send up a statement of the case, together with a copy of their decision, to the Court to which the appeal has been taken.

SECTION 6. The Commissioners shall receive the sum of five dollars each, as a compensation for their services in settling any such controversy; which compensation shall be paid by either of the par-

ties alone, or by all the parties interested, in such proportions as the Commissioners may adjudge. In case of appeal the compensation of the Commissioners, as well as the additional costs, shall abide the judgment of the appellate court.

SECTION 7. The Commissioners provided for by this Act shall be removable from office, at the pleasure of the Minister of the Interior, who shall also have power to fill all vacancies which may occur in their number.

SECTION 8. This Act shall take effect from and after the date of its passage.

Approved this 2d day of May, A. D. 1858.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO REGULATE THE PREPARATION OF A LIST OF JURORS.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That from and after the date of the passage of this Act it shall not be necessary for any of the Representatives of the People to assist in preparing, or to sign the lists of persons competent to serve as jurors, but such lists shall be prepared by the respective Governors and some judge of a Court of Record, at the time and manner prescribed by law.

SECTION 2. That so much of Sections First and Third of Article Fourth, Chapter Fourth, of the "Act to organize the Judiciary Department," as is in conflict with the provisions of this Act be, and the same is hereby repealed.

Approved this 15th day of September, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND AN ACT TO REGULATE THE ELECTION OF REPRESENTATIVES OF THE PEOPLE PASSED IN 1850.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That Section First of the Act to regulate the election of Representatives of the people, be and is hereby amended by striking out the words "every year" and by substituting therefor the words "every second year."

The first Section shall read as follows :

The elections for Representatives of the people to sit in the Legislative council, shall be held in all the Districts throughout the Kingdom, on the first Monday of the month of January, every second year, at such places as shall be designated by the sheriffs of the respective Islands.

SECTION 2. The first election under this Act shall take place on the first Monday in January, 1858; Provided however, that, if His Majesty the King shall deem it necessary to convene the Legislature during the year 1857, he shall order a special election of Representatives of the people to serve for that year.

Approved this 30th. day of May, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

FOR THE IMPROVEMENT OF HONOLULU HARBOR.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. The Minister of Finance shall be, and is hereby authorised to pay, out of money in the Treasury, until the passage of the general Appropriation Bill, a sum not exceeding six thousand dollars, for expenses for the improvement of Honolulu harbor.

SECTION 2. This Act shall take effect from the day of its passage.

Approved this 6th day of May, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO EXTINGUISH PRIVATE TITLES IN PORTIONS OF THE HARBOR, AND IN THE REEFS AND LANDS BOUNDING THE HARBOR OF HONOLULU.

WHEREAS, the existence of private rights in the harbor of Honolulu, and in the reefs and lands forming the boundaries thereof is incompatible with the exercise of the King's power and authority on and over the same, and with the improvement and fortification of the same as may hereafter be found necessary : Therefore,

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. The Minister of the Interior, acting with the advice and consent of the King and his Cabinet, is hereby authorized to buy back all portions of the harbor of Honolulu and the reefs and lands forming the boundaries thereof, available for the construction of wharves, storehouses, forts or lighthouses, so as to extinguish forever the now existing right and title of all private persons therein, for such price and consideration as may be agreed upon between said Minister and such private parties, or as may be determined by appraisers mutually chosen.

SECTION 2. The Minister of Finance is hereby authorized to pay, with the advice and consent of the King and his Cabinet, to the order of the Minister of the Interior, in cash, exchequer bills, or treasury bonds, bearing not more than twelve per cent. interest per annum, such sums as may be necessary to complete the purchases provided for in Section First.

SECTION 3. The power given by this Act is to be understood in a permissive sense only, and shall be exercised only in such circumstances as may, in the opinion of the King and his Cabinet, render such exercise clearly for the public good.

SECTION 4. This Act shall take effect from and after the date of its approval by the King.

Approved this 15th day of September, A. D. 1856.

KAMEHAMEHA.

KIAHUMANU.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO REGULATE THE SHIPPING OF FOREIGN SEAMEN, IN THE PORTS OF HONOLULU AND LAHAINA.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION I. That Section Second of an Act entitled "An Act to regulate the shipping of Foreign Seamen in the ports of Honolulu and Lahaina," passed the 23d day of July, 1855, be, and the same is hereby amended by striking out the word "and" in the English version and substituting therefor the word "or," and striking out also the words "has failed to sail on board their vessel," and substituting therefor the words "whom he may have failed to deliver on board their vessel at the time required by said Captain or Agent." So that the Section as amended will read as follows :

Before granting a license to keep a Shipping Office the said Governors shall receive at the hands of the applicant the sum of forty dollars for the use of the Royal Exchequer, as license money, and they shall receive at the hands of the applicant a Bond with at least two good and sufficient sureties, to be approved by the said Governors in the penal sum of two thousand dollars, which bond shall be in the following form, and upon the following conditions :

Know all men by these presents, that we ———, principal, and ———, sureties, residing at ———, in the Island of ———, Hawaiian Islands, are held and firmly bound unto His Excellency, ———, Governor of ——— for the use of the Hawaiian Government in the penal sum of two thousand dollars lawful money, to be levied of our respective joint and several property in case the condition herein set forth shall be violated, for the just and full payment of which, we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated this ———, day of ———, 18—.

The condition of the above obligation is, that whereas the above bounden principal, has this day obtained a license to keep a Shipping Office for Foreign Seamen for the term of one year from the date hereof; now if he shall not during the continuance of his said license demand or receive more than three dollars as a shipping fee nor more than ten per cent. of the amount advanced as a surety fee from any sailor shipped at his office; and if he shall at no time make default in repaying to any and every Captain or Agent the amount advanced by them on account of any sailor he may have failed to deliver on board their vessel at the time required by said Captain or Agent and for whom he may have become surety; and if he shall in no instance ship a sailor who has not a permit from the Harbor Master, then this obligation to be void, otherwise, upon proof being made to a Police Justice, without the intervention of a jury, as prescribed in the "Act to organize the Judiciary Department," the penalty mentioned in the above bond shall be forfeited and the license upon which it is predicated revoked.

SECTION 2. This Act shall take effect from and after the date of its passage.

Approved this 30th day of June, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO REGULATE THE SLAUGHTER AND SALE OF BEEF IN THE TOWNS OF HONOLULU AND LAHAINA.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. The Minister of the Interior may at any time license for the term of one year any applicant to open a slaughter house and keep a butcher shop within the respective towns for which they receive their licenses.

SECTION 2. Before granting any license to open a butcher shop and slaughter house, the Minister of the Interior shall receive at the hands of the applicant the sum of two dollars, and he shall in all cases exact at the hand of the applicant a bond in the penalty of two hundred dollars, with two good and sufficient sureties, to be approved by the said Minister, in the following form and upon the following conditions:

BOND.

Know all men by these presents that we ———, principal, and ———, sureties, residing at ———, in the Island of ———, Hawaiian Islands, are held and firmly bound unto His Excellency ———, Minister of the Interior, for the use of the Hawaiian Government, in the penal sum of two hundred dollars, lawful money, to be levied of our respective joint and several property in case the condition herein set forth shall be violated. For the just and full payment of which we hereby jointly and severally bind ourselves, our heirs, executors, and administrators.

Sealed with our seals and dated this — day of ———, 18—

The condition of the above obligation is, that whereas, the above bounden principal has this day made application for a license to keep a butcher shop and to open a slaughter house in ———, Island of ———:

Now if he shall not fail in any instance to make a full and accu-

rate register of the brands of every animal which he shall kill in his slaughter house, or sell in his butcher shop, together with the name of the owner, and the name of the person or persons who delivers the animal at the slaughter house, with the day of the month and the year, when delivered and when killed, together with any remarks which the circumstances of the case may suggest, according to the form of the following schedule :

Date when received.	Owner.	Delivered by.	Brand.	Date when killed.	Remarks.

. And if he shall at all times keep open this register for the information and inspection of the proper authorities and of all who may desire to search therein, then this obligation to be void: Otherwise upon proof being made to the satisfaction of a police justice, without the intervention of a jury, the penalty mentioned in the above bond shall be forfeited and the license on which it is predicated revoked.

SECTION 3. Any person slaughtering and selling beef either in a shop or through the streets of the towns of Honolulu and Lahaina, other than as in this act provided, shall on conviction before a police magistrate forfeit and pay to the government for each offense a sum not less than five dollars nor more than twenty-five, in the discretion of the court.

SECTION 4. This Act shall take effect at the expiration of thirty days after its passage.

Approved this 30th day of June, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO INCREASE THE IMPORT DUTIES ON CERTAIN KINDS OF MERCHANDISE," PASSED IN 1853.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the Act entitled "An Act to increase the import duties of certain kinds of merchandise," passed by the Legislature in 1853, shall be and the same is hereby repealed.

SECTION 2. This Act shall take effect and become a law from and after the date of its passage.

Approved this 6th day of August, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AUTHORIZE THE PURCHASE OR CONSTRUCTION OF AN INTER-ISLAND STEAMER.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:

SECTION 1. The Minister of the Interior is hereby authorized by and with the advice and consent of the King and Cabinet, to purchase, or contract for the construction of a steam-boat for inter-island trade; with all necessary furniture and equipment, and deliver the same at the port of Honolulu, at a cost not exceeding the sum of sixty thousand dollars.

SECTION 2. The Minister of Finance is hereby authorized on the order of the Minister of the Interior, for the purpose aforesaid, to issue exchequer bills, payable to said Minister or his order, for a sum not exceeding sixty thousand dollars, payable at such time and rate of interest as His Majesty and Cabinet may determine; provided, however, should it be found necessary to pay cash in part in lieu of exchequer bills for the same amount, the Minister of the Interior is hereby authorized to draw on the Treasury for a sum not exceeding twenty thousand dollars to be paid out of any monies not otherwise appropriated; and provided further that said Minister of the Interior may at his discretion permit private parties to take a proportionate interest in said steamer.

SECTION 3. No charges of harbor dues of any kind or for customs on any article imported for the use of said steamer shall be made.

SECTION 4. This Act shall take effect from and after the date of its passage.

Approved this 2d day of May, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND THE JOINT RESOLUTION RELATING TO AWA, PASSED
AUGUST 6TH, 1846.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That after the passage of this Act it shall be lawful for any person to cultivate awa within this kingdom.

SECTION 2. The governors are hereby authorized, with the approval of the Minister of the Interior, to appoint agents for the purchase and sale of awa to persons allowed by this Act.

SECTION 3. All persons excepting those who have received certificates from duly authorized physicians, specifying the kind of disease and the quantity of awa necessary to cure it, are hereby prohibited from drinking awa under a penalty of five dollars.

SECTION 4. It shall be lawful for the agents for the sale of awa to sell it as an article of trade, or otherwise, to all persons intending to send it abroad, and to all licensed physicians and surgeons. The proceeds of the awa sold shall be shared thus: two-thirds to the owner of the awa, and one-third to the government.

SECTION 5. The agents for the sale of awa shall be paid twenty-five cents in each dollar of the government third, and the balance shall be handed over to the governors and by them forwarded to the Minister of the Interior, and deposited with the Minister of Finance for the benefit of the King's Treasury.

SECTION 6. Any person selling awa in contravention of this Act shall be liable to a penalty of ten dollars for each offense.

SECTION 7. This Act shall take effect from and after the date of its passage, and all laws in conflict with this shall be and are hereby repealed.

Approved this 15th day of September, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO REGULATE THE IMPORTATION AND SALE OF OPIUM AND OTHER POISONOUS DRUGS.

WHEREAS, suicides and serious riots are of frequent occurrence from the use and abuse of opium and other poisonous drugs; and whereas, there is danger of the pernicious habit of using opium being acquired by his Majesty's native born subjects from the example of the Chinese, Therefore,

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. Any person who shall be convicted before any magistrate of importing, selling, vending or furnishing opium or any preparation thereof, shall be fined a sum not less than fifty dollars nor more than five hundred dollars, in the discretion of the court; provided always, that nothing in this Section shall prevent the importation and sale of opium as medicine by duly qualified physicians and surgeons, licensed as such by the Minister of the Interior.

SECTION 2. It is herein further provided that it shall not be lawful for the parties licensed by the Minister of the Interior according to the provisions of this Act to sell, vend or furnish opium to any person excepting for the purpose herein prescribed, and in the exercise of their functions as medical men.

All physicians and surgeons acting in contravention of this shall be liable to the fine provided for in the first section of this Act.

SECTION 3. The Minister of the Interior is hereby authorized to grant a license to any physician or surgeon who shall prove satisfactorily that he is duly qualified and shall pay into the Interior department the sum of forty dollars.

SECTION 4. If any person, not licensed as provided in Section third shall sell, vend or furnish any poisonous drugs, he shall on conviction be liable to a penalty of not less than twenty-five nor more than one hundred dollars.

SECTION 5. This Act shall take effect at the expiration of three months from the date of its passage.

Approved this 30th day of May, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

*Collector of Customs
Hilo*

AN ACT

RELATING TO THE FIRE DEPARTMENT OF HONOLULU.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council Assembled:

SECTION 1. That the Act entitled "An Act to amend an Act to organize a Fire Department in the city of Honolulu," passed on the 24th day of June, 1852, be, and the same is hereby repealed.

SECTION 2. That Section first of Article first of the Act to organize a Fire Department for the city of Honolulu, passed May 8th, 1851, be, and the same is hereby amended to read as follows, viz :

The Fire Department of the city of Honolulu shall consist of a Chief Engineer, two Assistant Engineers, four Fire Wardens and as many Firemen as may be approved of by the Representatives of the Department. All said officers and firemen shall, during their term of service as such, be exempt from all personal taxes except the school tax.

SECTION 3. That Section second of the same Article be, and the same is hereby amended to read as follows:

The Chief Engineer and two Assistant Engineers, shall be elected annually, on the first Monday of June, by the certificate members of the department.

SECTION 4. That Section third of the same article be, and the same is hereby amended to read as follows:

The four Fire Wardens shall be elected annually by the Representatives of the department.

SECTION 5. That Section first of Article second of said Act, be, and the same is hereby amended by striking out the words "Fire Warden," and inserting in lieu thereof the words "Assistant Engineers," and by striking out all after the word "repaired."

SECTION 6. That Section second of said Article be, and the same is hereby amended to read as follows, viz :

In case the Chief Engineer shall be absent from a fire, the first

Assistant shall assume his duties, and in case the Chief Engineer and first Assistant shall both be absent, then their duties shall devolve upon the second Assistant Engineer.

SECTION 7. That Sections first and fourth of Article third of said Act be, and the same are hereby repealed.

SECTION 8. It shall be the duty of the fire Wardens to prosecute all persons guilty of any violation of the laws relating to the Fire Department before the Police Court of Honolulu, for which they shall be entitled to retain twenty per cent. of all fines collected, paying over the residue to the Treasurer of the Fire Department.

SECTION 9. That Section first of Article fourth of the said Act be, and the same is hereby amended by striking out the words, "well washed and cleaned."

SECTION 10. That Section second of the same Article be, and the same is hereby amended to read as follows, viz :

The representatives of the Department shall have authority, whenever a Company has for six months so few members as to render it inefficient, to disband the same, and assign the members thereof, with their assent, to any other Company, provided it is done with the legal assent of the Company to which they are assigned.

SECTION 11. That Article fifth of the said Act be, and the same is hereby repealed.

SECTION 12. That Section first of Article sixth of the said Act be, and the same is hereby amended by striking out the words "Fire Wardens," wherever they occur in said Section, and inserting in lieu thereof the words "Assistant Engineers."

SECTION 13. That Section sixth of Article seventh of the said Act be, and the same is hereby amended to read as follows, viz :

All male residents of Honolulu going to a fire, are required to obey the orders of the Chief Engineer and Assistant Engineers, under a penalty of five dollars.

SECTION 14. That Section eight of the same Article be, and the

same is hereby amended by striking out the words "Fire Wardens," and inserting in lieu thereof the words "Assistant Engineers."

SECTION 15. That Article eight of the said Act be, and the same is hereby repealed.

SECTION 16. This Act shall take effect from and after the date of its passage.

Approved this 30th day of June, A. D. 1853.

KAMEHAMEHA.

KAAHUMANU.

AN ACT
RELATING TO CORPORATIONS.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. Every Corporation created or to be created in this kingdom shall have power; 1st, To have succession by its corporate name for the period limited in its charter, and when no period is limited, perpetually; 2d, To sue and be sued in any court; 3d, To make and use a common seal, and alter the same at its pleasure; 4th, To hold, purchase and convey such real and personal estate, and no other, not exceeding the amount limited by its charter, as the purposes of the corporation shall require; 5th, To appoint such subordinate officers and agents as the business of the corporation shall require; 6th, To make by-laws not inconsistent with any existing law, for the management of its property, the election and removal of its officers, the regulation of its affairs, and the transfer of its stock.

SECTION 2. In addition to the powers enumerated in the preceding Section, no corporation created under the provisions of this Act, shall possess or exercise any corporate powers, except such as shall be necessary to the exercise of the powers so enumerated and of such subordinate powers as shall be expressly given in the charter granted as herein after provided.

SECTION 3. No corporation shall be deemed to possess the power of discounting bills, notes or other evidences of debt, or receiving deposits, of buying gold, silver, bullion or foreign coin, buying and selling exchange or issuing notes or other evidences of debt, except so far as the exigencies of the particular business for which it was incorporated shall require. Nor shall any corporation unless authorized by express enactments of the Legislature issue bills or other evidences of debt for circulation as money.

SECTION 4. At any meeting of any corporation it shall be lawful

for the members in the transaction of business to vote either in person or by proxy; provided, that nothing in this Section shall be construed to restrain the power of every corporation to prescribe by its by-laws the mode of voting at meetings of its trustees, directors or board of managers.

SECTION 5. When all the members of any corporation shall be present, either in person or by proxy, at any meeting however called or notified, and shall sign a written consent thereto on the record of such meeting, the doings of such meeting shall be valid.

SECTION 6. The members of such corporation so assembled, may elect officers to fill all vacancies then existing, and may act upon such other business as might lawfully be transacted at regular meetings of the corporation.

SECTION 7. Whenever by reason of the death, absence or other legal impediment of the officers of any corporation, there shall be no person duly authorized to call or preside at a legal meeting thereof, any circuit judge of the island where such corporation is established may, on written application of four or more of the members thereof, issue an order to either of the said members, directing him to call a meeting of the corporation by giving such notice as shall be required by the by-laws of the corporation, and the said judge may in the same order direct one of the said members to preside at the meeting, and the proceedings of such meeting shall be valid.

SECTION 8. Whenever the capital stock of any corporation is divided into shares, and the certificates thereof are issued, transfer of the shares may be made by endorsement and delivery of the certificate. The endorsee shall be entitled to a new certificate upon surrendering the old one. And no such transfer, shall be valid except between the parties thereto, until such new certificate shall have been obtained, or the transfer shall have been made on the books of the corporation so as to show the date of the transfer, the parties thereto, their places of abode and the number and description of the shares transferred.

SECTION 9. The directors or managers of any incorporated com-

pany shall not make dividends, except from the profits arising from the business of the corporation, nor may they divide, withdraw, or in any way pay away, to the stockholders or to any of them, any part of the capital stock of the company, or reduce the said capital stock without the consent either of the power granting the charter, or of the legislature. In case of any violation of the provisions of this Section, the trustees, managers or directors under whose administration the same may have taken place, shall in their individual and private capacities, be jointly and severally liable to the corporation and creditors thereof, in the event of its dissolution, to the full amount so divided, withdrawn, paid out or reduced; provided, that nothing in this Section contained shall prevent a distribution and division of the balance of the capital stock remaining after payment of all its debts on dissolution of the company or expiration of its charter.

SECTION 10. Where the whole capital of a corporation shall not have been paid in, and the capital paid shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him, the sum necessary to complete the amount of such share as fixed by the charter of the company, or such proportion of that sum as shall be required to satisfy the debts of the company.

SECTION 11. The members of every corporation created under the provisions of this Act, shall be liable for the debts of the corporation in proportion to the amount of stock held by each; and the liability of each shall be limited to the amount of stock held by each, or extend beyond that amount, as the power granting the charter shall in each charter provide.

SECTION 12. The amount of debts which any corporation shall owe, shall at no time exceed the amount of its capital stock.

SECTION 13. In every joint stock company incorporated under the provisions of this Act, it shall be the duty of the trustees, managers or directors of such company to cause a book to be kept for registering the names of all persons who are, or shall become stockholders of the corporation, and showing the number of shares of stock held

by them respectively, and the time when they respectively became the owners of such shares; which book during the usual business hours of the day, on every day, except Sundays and national holidays, shall be open for the inspection of the stockholders and creditors; and it shall be the duty of the clerk or other person having the charge thereof, to give a certified transcript of anything therein contained to any stockholder or creditor of the corporation applying therefor; such transcript shall be legal evidence of the facts therein set forth, in any suit by or against the corporation.

SECTION 14. Any corporation wishing to dissolve and disincorporate itself before the expiration of its charter, may present a petition to the Minister of the Interior, together with a certificate setting forth that at a meeting of the stockholders, or members called for that purpose, it was decided by a vote of three-fourths of the members or stockholders to dissolve and disincorporate the corporation, which certificate shall be signed by the presiding officer and secretary of such meeting. The Minister shall enter such petition and certificate of record in his office, and after sixty days notice by publication in Hawaiian and English, in such manner as he shall deem most effectual, shall proceed to consider the same, and when satisfied that the vote certified to has been truly taken, and that all claims against the corporation are discharged, shall declare such corporation dissolved.

SECTION 15. Upon the annulment of the charter of any corporation, or upon its dissolution by expiration of its charter, or otherwise, unless other persons shall be appointed by the legislature, the Minister of the Interior, or by some court of competent authority, the directors or managers of the corporation, by whatever name known in law, shall be trustees for the creditors and stockholders, with full powers to settle the affairs of the corporation. Under the name of trustees of such corporation, they may by suit or otherwise, collect and pay the outstanding debts, and divide among the stockholders the moneys and other properties that shall remain, after payment of the debts and necessary expenses. And they shall be jointly and severally liable to the creditors and to the stockholders to the extent of the corporation property which shall come into their hands.

SECTION 16. Every corporation not eleemosynary, religious, literary, or educational, shall annually present a full and accurate exhibit of the state of its affairs to the Minister of the Interior, at such times as the Minister shall direct. The said Minister shall have power, either himself or by one or more commissioners appointed by him, to call for the production of the books and papers of the corporation, and to examine its officers, members and others touching its affairs under oath. The annual reports above mentioned, and the results of such examination, the Minister may in his discretion lay before the King in privy council, and also publish. In case any such corporation shall refuse to produce its books and papers upon the request of the Minister of the Interior or the commissioners appointed by him, or in case any of the officers or members of such corporation shall refuse to be examined on oath, touching the affairs of the corporation, then the Minister of the Interior or the commissioners may apply to the court of chancery for an order to compel the production of the books and papers, or the examination of such officers or members of the corporation, obedience to which order may be enforced by said court in like manner with its ordinary decrees and orders.

SECTION 17. The Minister of the Interior shall have power, subject to the provisions and conditions of this Act, in his discretion, by and with the advice and consent of the King in privy council, to grant charters of incorporation for agricultural, commercial and manufacturing purposes, as well as to charter other incorporations either aggregate or sole, ecclesiastical or lay; banking and municipal corporations alone excepted, which shall be chartered only by the legislature.

SECTION 18. The Minister of the Interior with the consent of the King in privy council, shall also have power on the expiration of any charter, to renew the same, on application to him for that purpose by two-thirds of the stockholders of such company, and a satisfactory explanation to him of the state of its affairs.

SECTION 19. Nothing in this Act contained shall be construed to authorize the Minister of the Interior as before provided, without the authority of the legislature to grant any charter which shall in terms

institute a monopoly for a longer term than five years, of any business or occupation; nor may he grant perpetual charters without such authority to any corporations except to those for eleemosynary, literary, educational, or ecclesiastical purposes.

SECTION 20. Application to the Minister of the Interior for any charter of incorporation shall be made by written petition accompanied by proofs that three-fourths of the shares have been subscribed for; and in the case of joint stock companies, there shall in addition to such petition be also filed at the same time in the office of the Minister, a certificate, setting forth a location of the proposed company; the object of the incorporation; the amount of stock proposed, and, if the privilege of subsequent extension of the capital stock is asked for, the limit of that extension; the proposed duration of the company; the time within which it is to organize; whether the liability of the stockholders is proposed to be limited to the amount of their stock or otherwise; and also whether the whole or any part of the capital stock is to be paid in before commencing operations, and if part, what part.

SECTION 21. This Act shall take effect from the day of its passage, and Section second of General Provisions, of Part first of volume first of the Statute Laws, relating to charters of incorporation, and all other laws and parts of laws in conflict with this, shall be, and hereby are repealed.

Approved this 17th day of April, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATING TO CORPORATIONS."

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That Section 11th of an Act entitled "An Act relating to corporations" passed on the 17th of April, A. D. 1856, shall be and is hereby amended to read as follows, viz: All the property of any corporation which may be created in virtue of this Act, shall be liable for the just debts thereof, but no stockholder shall be liable for the debts of the corporation beyond the amount of what may be due upon the share or shares held or owned by him.

SECTION 2. This Act shall take effect and become a law from and after the day of its passage:

Approved this 24th day of April, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND THE LAW RELATING TO THE GOVERNMENT PRESS.

WHEREAS, The existing law relating to the government press is liable to a construction nullifying the usefulness of the "Polynesian" as a paper of general information, contrary to its original intention, and to the third Article of the Constitution; Therefore,

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. Section VI., Article I., Chapter I, Part I, of the second Act of Kamehameha III., of the 27th ~~Jan~~, 1846, is hereby repealed.

SECTION 2. The editor of the "Polynesian" shall conduct his paper free and independent of all government influence and responsibility, except only in regard to the publication of notices and communications by authority of the government, or of any of the departments thereof.

SECTION 3. This Act shall take effect from the date of the sanction of the King.

Approved this 30th day of June, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

RELATING TO THE ROAD TAX.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That the road labor-tax shall be six days' labor annually; Provided, that eight hours labor shall be considered a full day's work.

SECTION 2. Every male inhabitant of the kingdom between the ages of sixteen and fifty years, shall be and is hereby declared to be liable to the road labor-tax.

SECTION 3. The following persons alone shall be exempt from the road-tax, viz: His Majesty the King; all Diplomatic and Consular agents of foreign powers, and school teachers actually employed; all firemen legally organized; all insane persons and cripples; all persons incapable of labor by reason of long sickness.

SECTION 4. The Minister of the Interior is hereby authorized to appoint road supervisors throughout the kingdom, not less than one for each taxation district.

SECTION 5. The road supervisors within their respective districts, shall have the direction of the public labor on roads, bridges, and all public highways, under general instructions from the Minister of the Interior.

SECTION 6. The tax enumerators for each taxation district shall make an enumeration of all persons liable to the road-tax, without extra pay for the same in their report to the governors of their respective islands.

SECTION 7. It shall be in the option of any person liable to the road tax to commute for the same in advance when called upon by the tax collector or his deputy, by paying him the sum of two dollars.

And if any person does not so commute when called upon by the tax collector, he shall not be entitled to commute at all, but shall work out the full number of days required by law, or procure a substitute to work for him.

SECTION 8. The tax collectors shall, on or before the last day of November of each year, collect from all those persons willing to commute for the road tax the sum of two dollars, and they shall, on or before the first day of December of each year, pay to the governors of the islands in which their districts are situated, all moneys so collected by them, and also deposit a correct list of the names of all parties who have not paid the road tax as assessed by the enumerator.

SECTION 9. The governors shall pay over to the road supervisors of each district of their respective islands the amount of road tax collected by the tax collector in the same district, and shall also furnish the supervisors with a copy of the tax collector's list of all the people who have not paid the tax in money.

SECTION 10. The said supervisors shall disburse all road taxes within their respective districts, and account to the Minister of the Interior through the governor of the island in which their districts are situated, for all moneys expended by them on the repairs of roads, by properly certified vouchers.

SECTION 11. All moneys appropriated by the legislature for the roads and bridges shall be drawn from the treasury by the Minister of the Interior, and expended under his general direction by the road supervisors, and the road supervisors shall account for all monies so expended in the manner provided in Section tenth.

SECTION 12. The road supervisors may appoint deputies for their respective districts, not exceeding one for every fifty taxable persons in the district, whose only compensation shall be exemption from the road labor tax.

SECTION 13. Every road supervisor shall on the 31st day of December of each year, render to the Minister of the Interior in writing, a detailed report of his transactions during the year preceding, stat-

ing the number of persons liable to the road tax in his district, the number of days worked by them, the amount of cash received from the governors, the amount of cash on hand at the commencement of the year; the amount expended, and the amount on hand at the date of the report; the number and condition of government tools on hand, and the number of days of his own personal service.

SECTION 14. The road supervisor upon rendering such report shall receive such compensation as the Minister of the Interior may deem just, out of the monies appropriated by the legislature for that purpose.

SECTION 15. Any road supervisor who shall receive as commutation for the road tax from any tax payer, or, who shall not cause the persons liable to the road tax to work the full number of days and hours prescribed in this Act, shall, on conviction thereof before any district justice, be fined five dollars for each such offense; all such fines to be expended as part of the road tax of such district.

SECTION 16. It shall not be lawful for any road supervisor to compel the people of any neighborhood to go more than five miles beyond their residence to labor on any road, unless by a vote of the people of the district expressed in a public meeting called for that purpose by the road supervisor.

SECTION 17. The road supervisors in case of indolence, disorderly or mutinous conduct on the part of the workmen, shall have power to authorize and require any constable to apprehend any delinquent and take him before any district justice, who shall, unless good cause be shown to the contrary, sentence such delinquent to hard labor for not more than five days.

SECTION 18. It shall be lawful for the several supervisors to commute for the labor tax on roads with the employers of all persons hired and employed by the month or year, either to complete a certain amount of work on the roads, or to work by the day with carts, plows or other implements as may be agreed on.

SECTION 19. It shall be the duty of each road supervisor to sur-

render to his successor in office all accounts and other papers relating to the office, and all moneys he may have on hand belonging to the district, together with all implements belonging to the government which may be in his possession.

SECTION 20. Upon a written complaint being brought before the Minister of the Interior, signed by at least twelve of the inhabitants of any district, setting forth that their road supervisor is guilty of a breach of this law, specifying the particular charges against such supervisor, it shall be the duty of the said Minister of the Interior to give such complaint a hearing, and upon proper cause being shown, to dismiss said supervisor from office, and to appoint another person to his place.

SECTION 21. It shall be the duty of every man liable to the labor tax for the roads to appear punctually at the time appointed, with suitable implements for the work, and to work diligently, as directed by the supervisor, otherwise he shall be liable to the penalty hereinbefore provided in Section seventeenth.

SECTION 22. Every person who is liable to the road tax shall be liable to the labor tax on roads, in the district where he is staying on the labor day appointed by the road supervisor for that district, unless he be provided with a certificate from some road supervisor that he has already performed his labor, or paid his commutation for the current year in some other district.

SECTION 23. On a request being made by fifty or more poll tax payers of any district to the governor of the island in which the said district is situated, that a new road be opened, or that an old road be shut up in that district, it shall be lawful for the governor to appoint a jury of twelve competent persons to decide on the propriety of the measure proposed, and their decision shall be acted upon by the road supervisor.

SECTION 24. In laying out any new road as provided in Section twenty-third, respect shall be had to the private vested rights of property which any individual may have in the land over which said road shall be intended to pass. It shall be the duty of the road supervisors,

immediately after such new road has been determined upon, as in Section twenty-third, to cause notices to be posted along the line of such new road, advertising the fact, and summoning all parties interested therein to bring forward their claims to the nearest circuit judge, and it shall be the duty of the said circuit judge to forward a list of all such claims to the Minister of the Interior.

SECTION 25. It shall be lawful for the Minister of the Interior to appoint a commission of three disinterested persons to assess the value of the private property so required for the public use, and also the damages, if any, likely to be sustained by the owner, whose decision shall determine the price to be given by the government for such private property; provided the owner shall have the right of appeal from the decision of said committee to a jury of twelve men (with the usual right of objection for cause) to be empanelled after the manner of the circuit courts by the governor of the island, who shall send a certified copy of the decision of such jury to the Minister of the Interior, and give a certificate also to the party so appealing.

SECTION 26. Upon delivery of said certificate to the owner of the land, the property assessed shall revert to the public use intended, without further conveyance, and the holder of such certificate shall present the same to the Minister of the Interior for adjustment pursuant to the provisions of the succeeding Section.

SECTION 27. The Minister of the Interior shall have power to compound with the holder of any such certificate in any way he may deem most advantageous to the government by the substitution of other land in lieu of that appropriated for the public good: And he shall also present to the legislature biennially a report of such certificates as he may not have been able to cancel in the manner above described.

SECTION 28. This Act shall take effect on and after the first day of January, A. D. 1857, and all laws and parts of laws that conflict herewith are hereby repealed.

Approved this 30th day of June, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

RELATING TO STALLIONS.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council Assembled:*

SECTION 1. All entire horses two years old and upwards, shall be taxed yearly the sum of ten dollars each, excepting only entire horses licensed as such under the law relating to stallions passed on the 22nd day of June, A. D. 1852.

SECTION 2. Should the owner of any unlicensed entire horse conceal the same in making his return to the tax enumerator of his district, he shall on conviction be liable to double the tax specified in Section first; one half to be paid to the party giving the information to the enumerator or tax collector.

SECTION 3. This Act shall take effect sixty days from and after the date of its passage.

Approved this 30th day of May, A. D. 1856.

KAMEHAMEHA.

KIAHUMANU.

AN ACT
RELATING TO ESTRAYS AND POUNDS.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:

SECTION 1. It shall be the duty of the governors, under the direction of the Minister of the Interior, to set apart or build, if appropriation is made for that purpose by the legislature, a proper enclosure or enclosures in each district, giving due notice thereof, on their respective islands, for the purpose of impounding estrays as hereinafter provided.

SECTION 2. The governors shall appoint pound masters, and shall have power to remove them on sufficient cause being shown.

SECTION 3. The pound masters shall be liable for the safe keeping and good usage of any estray committed to their charge, and shall receive for their services fifty cents per day, from the owner of said estray, in the districts of Honolulu, Oahu, and Lahaina, Maui, in all the other districts the rate shall be twenty-five cents per day, excepting for sheep and goats, which shall be six cents per day. It being understood that the pound masters shall give the estrays a reasonable quantity of food and water, and if any pound master shall starve any estray committed to his charge, then he shall not be entitled to receive any fees for such estrays so starved, and shall also be liable to the owner of the estray.

It shall also be the duty of the pound master to keep an accurate account of the business done at the pound, in a book open to public inspection, and he shall make quarterly returns to the governor of the Island, showing receipts and disbursements.

No pound master shall receive into his pound any animal seized for committing trespass in any other district, if there is a pound established in such other district.

SECTION 4. It shall be the duty of the pound master to publish in a newspaper, or post written notice weekly in three public places in

in his district, also to proclaim *viva voce* weekly, an account of all estrays in the pound, and if the owners do not claim the estrays and pay the pound fees within thirty days from the date of impounding, then it shall be lawful for the pound master to sell the said estrays at public auction, to deduct the amount of pound fees and expenses of sale, pay over to the party impounding his claim for damage done, and the balance, if any there be, shall be held by the pound master and paid over to the owners of such estrays when claimed by them.

SECTION 5. If any horse, mule, ass, hog, or neat cattle, commit a trespass on any cultivated ground, the owner of said animal or animals shall forfeit and pay to the owner of the ground the sum of fifty cents for the trespass of each animal, excepting sheep and goats, which shall be six cents; and if any productions of the land be destroyed or other damage done by the animal or animals, the owner thereof shall further pay to the loser the full amount of such damage or loss: Provided, however, that if in any particular case this law have an onerous and unjust bearing owing to the number of animals trespassing, the judges shall have power to diminish the forfeiture.

SECTION 6. If any of the animals enumerated in the last preceding section commit a trespass on any uncultivated ground, the owner of such animal or animals shall forfeit and pay to the owner of the ground twelve and a half cents for the trespass of each animal, excepting for sheep and goats, for which he shall pay six cents per head, and if any damage be done by the animal or animals, the owner thereof shall further pay to the loser the full amount of such damage: Provided, however, that if in any particular case this law have an onerous and unjust bearing, owing to the number of animals trespassing, the judge shall have power to diminish the forfeiture.

SECTION 7. If the owner of any animal or animals trespassing be not known to the owner of the land, or if he refuse to pay just and lawful damages and penalties as set forth in this Act, then it shall be lawful for the owner of the land trespassed upon, after giving notice to the owner of such animal or animals when known, or without such notice when the owner is not known, to impound the same forthwith.

SECTION 8. The owner of any horse, mule, ass, neat cattle, swine, sheep or goat trespassing upon land enclosed by a lawful fence, shall forfeit and pay to the owner of such land, if cultivated, twice the penalty prescribed in section fifth; and if the land is uncultivated, the owner of the animal or animals shall forfeit and pay twice the penalty prescribed in section sixth, and shall also in each case pay the full amount of damage done by such animal or animals.

SECTION 9. Every enclosure shall be deemed a lawful fence which is four feet high, if made of stone, and if made of wood, iron wire, or an artificial pali, five feet high; if made upon an embankment of a ditch three feet deep, or upon an artificial or natural pali three feet high, then the fence must be two feet high, said fence to be substantial, reasonably strong and close, made to turn stock. If the fence be a ditch only, then it shall be nine feet wide at the top and four feet deep, and if a hedge, five feet high, thick and high to turn stock.

SECTION 10. Whenever any dispute shall arise between the owner of the land trespassed upon, and the owner of the animal or animals trespassing, the latter may have the animal or animals returned to him within twenty-four hours from the time of his receiving notice, upon his delivering to the owner of the land or to the pound keeper, if the animal or animals have been impounded, a certificate from the district justice or police justice of the district, setting forth that he has deposited with such justice the amount claimed by the owner of the land, or a good and sufficient bond for that amount, together with the costs of civil suit. If the animal or animals have been impounded, the owner shall pay no pound fees.

SECTION 11. The district or police justice shall, upon receiving the amount claimed, or a bond for the amount, and the costs of suit, issue the required certificate and summon the parties to appear before him with their witnesses, and after a fair hearing shall decide between them. No appeal shall be allowed from such decision, unless taken within five days after it is delivered. In case of appeal being taken, the justice shall retain the amount or bond deposited with him, subject to the order of the court above.

SECTION 12. If any person shall set the confined animal of another

at liberty in order that it may trespass on cultivated ground, or shall by any means designedly decoy any animal to commit a trespass, he shall forfeit and pay to the Royal Exchequer, for every such offense, the sum of one hundred dollars, or in default thereof shall be imprisoned at hard labor not less than six months nor more than two years.

SECTION 13. Every owner of cattle, horses, mules or asses, shall mark the same by branding or otherwise on pain of having his unbranded or unmarked animals impounded for trespass without notice, as set forth in section seventh of this Act. It shall be the duty of such owner to deposit with the governor of the Island on which his animals may be, an impression of his brand, or description of his mark, and he shall receive from the governor a certificate of such deposit, for which certificate the governor shall be entitled to receive the sum of one dollar, for the benefit of the Royal Exchequer, to be paid over to the Minister of Finance.

The governors shall enter in a book, open to public inspection, a description of all brands or marks so deposited with them, and they shall not grant two certificates for the same mark or brand to different persons on the same Island.

Nothing in this section shall be construed to include the young of animals under the age of one year.

SECTION 14. Any person who shall obliterate any brand on any animal by placing another brand over it or otherwise, shall on conviction before any police or district justice be punished by a fine not exceeding twenty dollars.

SECTION 15. That article fifth, chapter third, part first, of the "Act to organize the Executive Departments," and all existing laws or parts of laws that conflict herewith, be and the same are hereby repealed.

This Act shall take effect at the expiration of sixty days from the date of its passage.

Approved this 15th day of September, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE PAY OF TAX COLLECTORS, AND TO PROVIDE FOR AN ENUMERATION OF ALL PERSONS AND ANIMALS LIABLE TO TAXATION."

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That section 7 be and hereby is amended, by striking out the words "on presenting his tax list completed to the governor of the Island in which his district is located," and also the words "for his district as shown by the tax list so made out and delivered as aforesaid," and insert in lieu of the last words, the words "which shall be collected and paid over by the tax collector to the governor of the Island in which his district is located, in conformity with the enumerator's list," so that the section as amended will read as follows:

"Each enumerator who shall have faithfully discharged the duties of his office according to law, shall be paid by the governor's draft on the Hawaiian Treasury a compensation for his services equal to five per centum of the amount of taxes which shall be collected and paid over by the tax collector to the governor of the island in which his district is located, in conformity with the enumerator's list."

SECTION 2. That section 10 shall be, and the same is hereby amended by striking out the words "within twenty days from the date of said notice," and inserting the words "on or before the last day of November," so that the section as amended will read as follows:

"Each tax collector, in the discharge of his duties, shall call on each tax payer at his residence or usual place of business in the months of September, October or November, after the tax list has been delivered to him, and demand payment of the taxes made out against said tax payer, in the list aforesaid; and if any tax payer cannot be found when so called upon, the collector shall leave with some person at his usual place of business or residence, a written or printed notice, that he has called to collect the taxes of said tax pay-

er, in which he shall state the amount of the same, and date of the time of his calling aforesaid, and that, unless said taxes are paid on or before the last day of November, he will proceed to collect the same according to law."

SECTION 3. Section 11 is hereby amended by adding at the close of said section the words, "in all of which cases the tax collector shall be a competent witness;" so that the section as amended shall read as follows:

"If any person shall neglect to pay his taxes, or refuse when called upon by the tax collector, until the last day of November of each year shall have elapsed, then the tax collector is authorized to sue him before the district justice of that district, and if the suit is sustained he shall pay the taxes sued for, and one dollar besides for costs for the benefit of the Royal exchequer; but he can appeal from the decision of the district justice, in all of which cases the tax collector shall be a competent witness."

SECTION 4. Section 12 shall be, and the same is hereby amended by striking out the word "first," in the second line and inserting the word "last," and by striking out in the last line the word "January" and inserting the word "February," so that the section as amended will read as follows:

"It shall be the duty of each tax collector on or before the last day of December in each year, to pay over to the governor of the Island in which his district is located, the amount of taxes by him collected; and any tax collector who shall have failed to do so at the specified time, or within ten days of said time, shall be liable to forfeit ten per cent. of the amount of compensation hereinafter provided for his services as collector, which forfeiture shall be at the discretion of the governor aforesaid; and it shall be the duty of the Minister of Finance to prosecute the bond of any tax collector who shall have failed to pay over to the governor of the Island in which his district is located, the amount of taxes by him collected, on or before the first day of February."

SECTION 5. Section 15 shall be, and the same is hereby stricken out, and in lieu thereof the following shall be substituted:

“It shall be the duty of the tax collectors to pay over to the school treasurers, the amount of school taxes collected by them in their respective districts (the Honolulu foreign school tax excepted,) and to take from the school treasurers duplicate receipts for the amount paid them, one of which receipts shall be immediately forwarded by the collector to the president of the board of education; and the collectors shall be responsible for the full amount of school taxes specified in their several tax lists, unless they shall file with the school treasurer a sworn list containing the names, places of residence, and amount of school tax due from each person in their district from whom they have not been able to collect the school tax, in which case the school treasurers are hereby authorised to deduct the amount of the taxes in the list so sworn to, and the collector shall be responsible only for the balance.

The collector shall be entitled to receive from the school treasurer a compensation for collecting the school tax at the same rate as is provided by law for collection of other taxes.

Approved this 30th day of June, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND THE JOINT RESOLUTION RELATING TO THE FORT AT LAHAINA.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That it shall be lawful for the Minister of the Interior to lease such part of the site of the old fort at Lahaina as will not be required for the site of the new custom house and market house at Lahaina.

SECTION 2. This Act shall take effect from and after the day of its passage.

Approved this 30th day of June, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

ARTICLES

OF AMENDMENT OF THE CONSTITUTION OF THE KINGDOM PROPOSED AND AGREED TO, PURSUANT TO THE 105TH ARTICLE OF THE ORIGINAL CONSTITUTION.

ARTICLE 1. Article 27 is hereby amended in the native version only, by striking out the words "Alīhikaua," and by inserting the words "Ka Luna Nui," so that the article as amended will read as follows :

"O ke Alii ka luna nui, maluna o na koa a me na manuwa a me na mea kua e ae ma ka moana a me ka aina; a nona ka mana mā ona iho, a ma o kekahi Luna Koa, a mau luna paha ana e koho ai, a ao a e hooponopono i ua mau mea kua nei mamuli o kona mana o pono a e malu ai ke Aupuni. Aka, aole e pono ia ia ka hapai i ke kua me ka ae ole o kona Ahakukakukamalu."

ARTICLE 2. Article 29th is hereby amended by striking out the words "session of next year," and inserting in the same article, "term of two years," so that the article as amended will read as follows:

"The King, by and with the advice of His Privy Council, convenes both Houses of the Legislature at the seat of government, or any different place, if that should become dangerous from an enemy or any dangerous disorder; and in case of disagreement between the two Houses, or between His Majesty and them, He adjourns, prorogues or dissolves them, but not beyond the term of two years; under any great emergency, He may convene both or either of them to extraordinary sessions."

ARTICLE 3. Article 32nd is hereby amended by striking out the words "appoint and," so that the article as amended will read as follows :

"He has the power by and with the advice of His Cabinet, and the approval of His Privy Council, to remove at His pleasure, any of the several heads of the Executive Departments, and he may require

information in writing from any of the officers in the Executive Departments, upon any subject relating to the duties of their respective offices."

ARTICLE 4. Article 43d is hereby amended by striking out the words "whose titles shall be Highness," and inserting the words "shall be addressed by the birth title, or such title as may have been conferred by His Majesty," so that the article as amended will read as follows :

"The King appoints some chief of rank and ability to be His Kuhina Nui, who shall be styled the Kuhina Nui of the Hawaiian Islands, and shall be addressed by the birth title, or such title as may have been conferred by His Majesty."

ARTICLE 5. Article 54th is hereby amended by striking out the words "an annual," and also the words "of January next preceding," and inserting the words "day of the fiscal year," so that the article as amended will read as follows:

"Each of them shall make a report to the Legislature, made up to the first day of the fiscal year, of the transactions and business of his department, within one week after the opening of the Legislature."

ARTICLE 7. Article 61st is hereby amended by striking out the word "annually," and inserting the word "biennially," and by striking out the words "in the first week in April, and," and also the word "other," so that the article as amended will read as follows:

"The Legislative Body shall assemble biennially, for the purpose of seeking the welfare of the nation, at such time, and in the place that the King may judge necessary. This body shall be styled the Legislature of the Hawaiian Islands."

ARTICLE 6. Article 100 is hereby amended so as to read as follows:

"The Legislature votes the appropriations biennially after due consideration of the revenue and expenditure for the two preceding years, and of the estimates of the revenue and expenditure of the two succeeding years, which shall be submitted to them by the Minister of Finance."

ARTICLE 8. Article 72 is hereby amended by inserting after the

words "during life," the following, "unless in case of resignation," so that the article as amended will read as follows:

• "The King appoints the members of the House of Nobles, who hold their seats during life, unless in case of resignation, subject to the provisions of Article 67, but their number shall not exceed thirty."

Approved this 15th day of September, A. D. 1956.

• KAMEHAMEHA.

KAAHUMANU.

JOINT RESOLUTION.

RESOLVED, That whereas, it is desirable to codify our existing laws, His Royal Highness, Prince Kamehameha, the Honorable W. L. Lee, Chief Justice, and the Honorable George M. Robertson, Associate Judge of the Supreme Court, are appointed a committee to prepare a complete civil code, adding notes with reference to important decisions of court under the laws, wherever they may think necessary, and to report the same for the sanction of the Legislature of 1858, with an appropriate index for facility of reference.

Approved this 30th day of June, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

JOINT RESOLUTION.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That the Minister of Finance be and he is hereby authorized to pay to the draft of the Minister of the Interior, the sum of seventy-seven dollars, being the balance due the Road Supervisor of South Kohala, Hawaii, for the year 1854.

Approved this 30th day of June, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

JOINT RESOLUTION

TO CANCEL A CUSTOM HOUSE BOND, GIVEN AS SECURITY FOR THE PAYMENT OF DUTY ON FURNITURE, &c., IMPORTED FOR THE PALACE.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That the Collector General of Customs is hereby authorised to cancel a certain bond dated 22d February, 1856, for \$282 42, with interest, signed by W. C. Parke and Wm. Webster, and given as security for the payment of duties on certain furniture, &c. imported for the Palace.

Approved this 22nd day of June, A. D. 1856.

KAMEHAMEHA

KAAHUMANU.

JOINT RESOLUTION.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

There shall be set apart the sum of three thousand dollars out of the Treasury by His Majesty's Minister of Finance, as a fund for the use of both Houses of the Legislature, for the year 1856.

Approved this 17th day of April, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

JOINT RESOLUTION.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That the Minister of Finance be and he is hereby authorised to pay to the Vaccinating Officer of Hawaii, the sum of sixty-six dollars and sixty-six cents, balance of his salary for the year ending 31st of March, 1856.

Approved this 15th day of September, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

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